

USDA
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WASH, DC

Complaint

I

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C. When the respondents became licensed and annually thereafter, they received copies of the Act and the regulations and standards issued thereunder and agreed in writing to comply with them.

D. The respondents while licensed operated two sites. One site was located at 17597 Kennel Lane, Salisbury, Missouri. A second site where the respondents operated an auction was located at 24279 Highway 5, Keytesville, Missouri.

E. On April 28, 2011, the respondents surrendered their USDA license and requested that it be terminated. The license was terminated effective May 4, 2011.

II

On March 13, 2010, the respondents failed to make, keep and maintain records or forms which fully and correctly disclose the name and address of the person who owned or consigned an animal for auction or sale in willful violation of 9 C.F.R. § 2.76(a)(1).

III

On April 1, 2010, APHIS inspected respondents' premises and found the respondents willfully violated section 2.100(a) of the regulations (9 C.F.R. § 2.100(a)) and the standards by failing to provide primary enclosures for animals which met the minimum requirements since dogs were housed in a primary enclosure that did not provide minimum floor space in violation of 9 C.F.R. § 3.6(c)(1)(i).

IV

On April 5, 2010, the respondents failed to make, keep and maintain records or forms which fully and correctly disclosed the name and address of the person who owned or consigned animals for auction or sale in willful violation of 9 C.F.R. § 2.76(a)(1).

V

On April 11, 2010, the respondents failed to make, keep and maintain records or forms which fully and correctly disclosed the name and address of the person who owned or consigned animals for auction or sale in willful violation of 9 C.F.R. § 2.76(a)(1).

VI

On or about April 29, 2010, the respondents, a Class B Dealer, obtained 3 dogs from a source that the regulations do not permit the respondents to utilize for a source of dogs in willful violation of 9 C.F.R. § 2.132(a).

V

A. On or about June 7, 2010, the respondents, a Class B Dealer, obtained 32 dogs from a source that the regulations do not permit the respondents to utilize for a source of dogs in willful violation of 9 C.F.R. § 2.132(a).

B. On or about June 7, 2010, the respondents, a Class B Dealer, knowingly obtained 32 dogs from a person who was required to be licensed but who did not hold a current, valid, and unsuspended license in willful violation of 9 C.F.R. § 2.132(d).

VI

On June 22, 2010, the respondents failed to make, keep and maintain records or forms which fully and correctly disclosed the name and address of the person who owned or consigned animals for auction or sale in willful violation of 9 C.F.R. § 2.76(a)(1).

VII

On June 24, 2010, APHIS attempted to inspect respondents' premises but was denied access by the respondents in willful violation of 9 C.F.R. § 2.126.

VIII

On July 13, 2010, the respondents failed to make, keep and maintain records or forms which fully and correctly disclosed the name and address of the person who owned or consigned the animal for auction or sale in willful violation of 9 C.F.R. § 2.76(a)(1).

IX

A. On July 17, 2010, the respondents failed to make, keep and maintain records or forms which fully and correctly disclosed the name and address of the person who owned or consigned the animal for auction or sale in willful violation of 9 C.F.R. § 2.76(a)(1).

B. On July 17, 2010, the respondents, a Class B Dealer, obtained two dogs from a source that the regulations do not permit the respondents to utilize for a source of dogs in willful violation of 9 C.F.R. § 2.132(a).

X

A. On July 20, 2010, APHIS inspected respondents' premises and found that the respondents had failed to maintain programs of adequate veterinary care under the supervision and assistance of a doctor of veterinary medicine, in willful violation of section 2.40(b) of the regulations (9 C.F.R. § 2.40(b)).

B. On July 20, 2010, APHIS inspected respondents' premises and found violations of section 2.100(a) of the regulations (9 C.F.R. § 2.100(a)) and the standards since the respondents failed to develop, document, and follow an appropriate plan to provide dogs with the opportunity for exercise in violation of 9 C.F.R. § 3.8.

XI

A. On August 20, 2010, the respondents, a Class B Dealer, obtained two dogs from a source that the regulations do not permit the respondents to utilize for a source of dogs in willful violation of 9 C.F.R. § 2.132(a).

B. On August 20, 2010, the respondents failed to make, keep and maintain records or forms which fully and correctly disclosed the name and address of the person who owned or consigned the animal for auction or sale in willful violation of 9 C.F.R. § 2.76(a)(1).

XII

On August 23, 2010, the respondents, a Class B Dealer, obtained one dog from a source that the regulations do not permit the respondents to utilize for a source of dogs in willful violation of 9 C.F.R. § 2.132(a).

XIII

A. On August 25, 2010, the respondents sold seven dogs without holding the animals for at least five full days after acquiring the animals, in willful violation of 7 U.S.C. § 2140 and section 2.101(a)(1) of the regulations (9 C.F.R. § 2.101(a)(1)).

B. On August 25, 2010, the respondents failed to provide or make available to a buyer(s) of 29 dogs a certification that contained information that the regulations require the respondents provide to buyers, in willful violation of the regulations (9 C.F.R. § 2.133(b)).

XIV

On September 14, 2010, the respondents failed to maintain programs of adequate veterinary care under the supervision and assistance of a doctor of veterinary medicine, in willful violation of section 2.40 of the regulations (9 C.F.R. § 2.40).

XV

A. On October 26, 2010, the respondents failed to maintain programs of adequate veterinary care under the supervision and assistance of a doctor of veterinary medicine, in willful violation of section 2.40 of the regulations (9 C.F.R. § 2.40).

B. On October 26, 2010, the respondents were in willful violation of section 2.100(a) of the regulations (9 C.F.R. § 2.100(a)) and the standards since the primary enclosures used to transport live animals were not large enough to ensure that each animal contained in the primary enclosure had enough space to turn about normally while standing, to stand and sit erect, and to lie in a natural position (9 C.F.R. § 3.14(e)(1)).

WHEREFORE, it is hereby ordered that for the purpose of determining whether the respondents have in fact willfully violated the Act and the regulations and standards issued under the Act, this complaint shall be served upon the respondents. The respondents shall file an answer with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250-9200, in accordance with the Rules of Practice governing proceedings under the Act (7 C.F.R. § 1.130 et seq.). Failure to file an answer shall constitute an admission of all the material allegations of this complaint.

The Animal and Plant Health Inspection Service requests:


1. That unless the respondents fail to file an answer within the time allowed therefor, or file an answer admitting all the material allegations of this complaint, this proceeding be set for oral hearing in conformity with the Rules of Practice governing proceedings under the Act; and

2. That such order or orders be issued as are authorized by the Act and warranted under the circumstances, including an order:

- (a) Requiring the respondents to cease and desist from violating the Act and the regulations and standards issued thereunder;
- (b) Assessing civil penalties against the respondents in accordance with section 19 of the Act (7 U.S.C. § 2149); and
- (c) Suspending or revoking the respondents' license under the Act.

Done at Washington, D.C.

this 17th day of March, 2015



Administrator
Animal and Plant Health
Inspection Service

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